

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

YONG COPPOLA,)
v.)
Plaintiff,)
RANDY MEYER, TOM ZYGMONT,) Civil Action No. 08-1336 (GEB)
LORRAINE MILLER, AND THE)
UNITED STATES POSTAL SERVICE,)
Defendants.)

)

ORDER

BROWN, Chief Judge

This matter having come before the Court upon Defendants' Motion to Dismiss (Doc. No. 9) filed on September 1, 2009; and it appearing that Plaintiff filed no opposition to this motion; and it further appearing that Plaintiff's complaint alleges various claims against the named defendants under Title VII of the Civil Rights Act of 1964 and the New Jersey Law Against Discrimination; and it further appearing that Plaintiff has not filed a complaint with the proper administrative office; and it further appearing that service on the United States Postal Service was insufficient and untimely pursuant to Fed. R. Civ. P. 4(i)(1), 4(i)(2), and 4(m) because Plaintiff did not serve the United States Postal Service, the United States Attorney for the District of New Jersey, and the Attorney General of the United States within 120 days after the filing of the complaint; and it further appearing that the John E. Potter, the Postmaster General of the United States Postal Service, is not named in the complaint despite the

requirement that the only proper defendant in an employment discrimination action brought by a federal employee is the head of the department, agency, or unit (*Wilson v. Potter*, 159 Fed. App'x. 415, 417 (3d Cir. 2005)); and it further appearing that individual defendants are not subject to suit under Title VII (*Sheridan v. E.I. DuPont de Nemours and Co.*, 100 F.3d 1061, 1078 (3d Cir. 1996)); and it further appearing that Plaintiff, in her capacity as a Postal Service employee, is precluded from bringing workplace discrimination claims under the New Jersey Law Against Discrimination (42 U.S.C. § 2000e-2; *Brown v. General Services Administration*, 425 U.S. 820, 829 (1976));

IT IS THIS 23rd day of April, 2010

ORDERED that the Defendants' Motion to Dismiss (Doc. No. 9) is GRANTED.

s/ Garrett E. Brown, Jr.
GARRETT E. BROWN, JR., U.S.D.J.